

BOROUGH OF EAST RUTHERFORD

RESOLUTION NO. 68 - 2016

WHEREAS, by Resolution 82-2015, the Mayor and Council directed the Borough Attorney and Borough Planner, subject to the supervision of the Monitor, to revise the Borough's Housing Element and Fair Share Plan to reflect compliance with the latest requirements; and

WHEREAS, Resolution 82-2015 authorized the Borough Attorney and Borough Planner, in cooperation with the Monitor, to take such action as may be necessary or advisable, including the institution of an action in the Superior Court for a Judgment of Compliance and Repose granting the Borough immunity from exclusionary zoning and builder's remedy lawsuits and to rely upon this Resolution as appropriate to maintain the Borough's current immunity from exclusionary zoning suits; and

WHEREAS, the Borough filed a declaratory judgment action in the Superior Court seeking a Judgment of Compliance and Repose, confirming that the Borough's affordable housing plan complies with the Borough's obligations under the Fair Housing Act and the State Constitution; and

WHEREAS, the Borough Attorney and Borough Planner have prepared a revised HEFSP (the "HEFSP") for consideration; and

WHEREAS, the May and Council have reviewed the HEFSP and desire to move the process of Court approval forward.

NOW THEREFORE BE IT RESOLVED as follows:

1. The Mayor and Counsel of the Borough of East Rutherford, Bergen County, State of New Jersey, hereby endorse the HEFSP, subject to further consideration after review and adoption of the HEFSP by the Planning Board; and
2. The Mayor and Council of the Borough of East Rutherford directs its attorneys to submit the HEFSP to the court for review and entry of Judgment of Repose.
3. The Mayor and Council direct the Planning Board to hold a public hearing on the HEFSP and take further action on the HEFSP as required by law.

I hereby certify that the foregoing is a true copy of the resolution passed by the Mayor and Council at the meeting held on the 19th day of April, 2016.


Danielle Lorenc, RMC

Councilmember	Moved	Second	Aye	Nay	Abstain	Absent
Brizzi			X			
Homaychak			X			
Lahullier	X		X			
Perry		X	X			
Stallone			X			
Ravettine			X			